

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT DAVIS,

Plaintiff,

vs

9:04-CV-1480

ROBERT DENNISON, Chairman, and 19th Member
of the New York State Board of Parole,

Defendant.

APPEARANCES:

OF COUNSEL:

ROBERT DAVIS
91-C-0288
Elmira Correctional Facility
P.O. Box 500
Elmira, NY 14902

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendant
Department of Law
The Capitol
Albany, NY 12224

NELSON SHEINGOLD, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Robert Davis, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated March 9, 2006, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the motion to dismiss be granted and the entire action be dismissed due to defendant's absolute immunity; or, in the alternative, that the motion to dismiss be granted and the entire action be dismissed on the merits. The plaintiff has filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted with regard to the I. Facts; II. (A) Motion to Dismiss ; II. B. Eleventh Amendment; and II. (C.) Absolute Immunity. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. The defendant's motion to dismiss is GRANTED due to defendant's absolute immunity; and

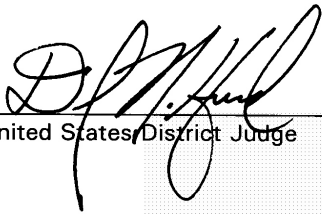
2. The action is DISMISSED pursuant to 28 U.S.C. § 1915 (e)(2)(B)(iii).

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.

Dated: June 1, 2006

Utica, New York.


United States District Judge